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Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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RE: Redevelopment of Spectrum to Encourage Innovation
in the Use of New Telecommunications Technologies
ET Docket No. 92-9

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

The Public Power Council appreciates the opportunity to comment on the Commission's Notice of Proposed Rulemaking (NPRM), FCC 92-20, in the above captioned matter.

Pursuant to Commission rules, please find enclosed an original and five copies of our comments. Please date and time stamp one copy and return it to our office in the enclosed self-addressed envelope.

Thank you.

Sincerely,

William K. Drummond
Manager

Enclosures (7)
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of

Redevelopment of Spectrum to
Encourage Innovation in the
Use of New Telecommunications
Technologies

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To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Comments of the Public Power Council

Pursuant to Section 1.415 of the Commission's Rules, the Public Power Council (PPC) hereby respectfully submits its comments on the Notice of Proposed Rule Making (NPRM), FCC 92-20, released February 7, 1992, in the above captioned matter.

I. Introduction

PPC is a regional association of 114 consumer-owned utilities that purchase all or a portion of their bulk power from the Bonneville Power Administration. Several of our members are licensed users of the 2 GHz spectrum band. In addition, all of PPC's members are dependent on the reliable operation of the Bonneville Power Administration (BPA). While BPA's fixed microwave system is not subject to FCC jurisdiction, these facilities are similarly faced with the possibility of forced spectrum reallocation due to regulatory or legislative initiatives. Given the importance of BPA within the regional energy market, the operation of federal and non-federal utilities are both intertwined and interdependent.

II. The 1850-2200 MHz Band Should Not be Reallocated For The Creation Of a Spectrum Reserve

PPC opposes a reallocation of spectrum in the 1850-2200 MHz band for the creation of a spectrum reserve for development of emerging technologies. Utility-owned microwave stations are essential facilities used to detect faults in transmission lines, transmit data between substations, ensure proper load control, provide environmental monitoring, and facilitate remote operation of generating facilities. The FCC has long recognized the stringent reliability standards of utility communications systems and authorized utilities to operate private microwave systems as primary users in the 2 GHz band. As recently as 1985, the Commission recognized that utilities require a higher

reliability factor than necessary for, and provided by, most common carrier services. Congress recently reaffirmed the unique reliability requirements of utility communication systems when it distinguished the federal power marketing agencies and the Tennessee Valley Authority from other federal communication users subject to possible reallocation.

PPC believes that the NPRM is ill-conceived and unworkable. The Commission has failed to make a determination of the availability or reliability of alternative frequencies. While there may be "pockets" of available frequency in certain locations, these vacancies may prove insufficient since utility communication systems -- such as the coordinated system in the Pacific Northwest -- cover vast territories. Moreover, alternative frequencies may not provide sufficient reliability for utility operations. While some utilities currently operate communications systems at alternative frequencies, the systems were designed in those instances to operate at those frequencies. In contrast, utilities forced to vacate the 2 GHz band, in order to minimize costs, would need to "shoe horn" existing facilities into frequencies for which they were not designed.

The Commission has attempted to moderate the impact of the forced reallocation on existing users. Under the proposal, existing users are to operate on a co-primary basis for a fixed period of time. After this "transition period", existing users must relocate or continue operation within the assigned spectrum on a secondary basis. The Commission further states its intent that "some or all of the costs" of relocating to new frequencies (including the acquisition of additional equipment) will be paid by the replacement users. PPC finds these "protections" inadequate.

Relocation to alternative frequencies will be extremely expensive for existing licensees. PPC believes that the NPRM fails to adequately ensure that replacement users fully compensate existing users for the cost of relocation. If existing users are mandated to either move or accept secondary user status, then replacement users will hold an unfair advantage in negotiating compensation.

In the alternative, if frequencies are unavailable elsewhere in the spectrum, existing users would be forced to operate on a secondary basis. The resulting interference and interruption from the communications or the new licensees would impose unacceptable risks to the reliability of utility communication systems and the electric network they support.

III. Actions to be Taken If 2 GHz Band is Reallocated

PPC urges that if the 2 GHz band is reallocated in order to promote emerging technologies, the Commission should grant indefinite co-primary status for all existing 2 GHz microwave systems. The FCC must provide a frequency band with the same propagation and reliability characteristics as exist in the 2 GHz band. Existing 2 GHz systems must be permitted reasonable ability for modification and expansion. The process of reallocation should not devalue licenses of existing users. This will ensure

existing licensees necessary system reliability in the event that reallocation is infeasible. Moreover, it will provide existing licensees equal status in voluntarily negotiating compensation terms with replacement users.

In order to facilitate orderly reallocation, PPC urges the Commission to adopt rules allowing the use of voluntary negotiations between licensed users and new service providers. In no instance should new services in the band be authorized on an unlicensed basis or any other basis where existing users would be unable to secure reimbursement for relocation or to identify interference sources.

IV. The FCC Should Open The 4, 6, and 11 GHz Bands For Private Microwave Use

PPC supports the Utilities Telecommunications Council "Petition for Rulemaking" filed March 31, 1992, to make the 4 GHz, 6 GHz, and 11 GHz common carrier bands available for routine licensing in the Private Operational Microwave Service under Part 94, and to adopt appropriate channeling plans and technical standards to ensure that these bands are adequate to meet the needs of existing and future private microwave systems.

V. Conclusion

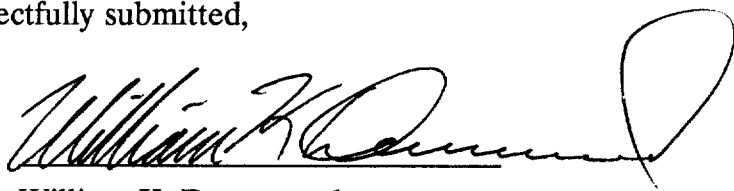
PPC opposes the use of the 2 GHz band as a spectrum reserve for new technologies. Existing users must be assured, at a minimum, indefinite co-primacy with new technologies for the use of these frequencies. To the extent existing users relocate to alternative frequencies, the Commission should foster fair and equitable negotiations between existing users and new technology licensees that will afford full compensation.

Wherefore, the Premises Considered, PPC respectfully requests the Commission to consider these Comments in acting on the subject Notice of Proposed Rulemaking.

DATED this 5th day of June, 1992.

Respectfully submitted,

By:



William K. Drummond
Manager

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